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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,591	03/14/2006	Irun R. Cohen	30070	6831

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
MARTELLO, EDWARD	
ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/542,591	COHEN ET AL.	
	Examiner	Art Unit	
	Edward Martello	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *13-33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2009* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment received 17 September 2009.

2. Claims 1 and 6 are currently amended, claims 7-9 and 12 are as previously presented, claims 2-5 and 10-11 are as originally presented and claims 13-33 were previously withdrawn.

3. The amendment of claim 1 has cured the basis for the 35 U.S.C. § 101 rejection of the claim, thus, the 35 U.S.C. § 101 rejection of claim 1 is hereby withdrawn.

4. The amendment of claim 1, the only independent claim pending in the application, has necessitated the new grounds of rejection that follows.

Drawings

5. The drawings received 23 September 2009 are objected to because they are not properly labeled as Replacement Sheets. The drawings would be accepted if they were properly marked. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mochizuki et al. (U. S. Patent 6,414,684 B1, already of record, hereafter '684).

7. Regarding claim 1 (Currently Amended), Mochizuki teaches a computer implemented method ('684, fig. 1) for producing animation of a system having a behavior ('684; fig. 5), the method comprising: In a first environment: providing a reactive model of system overall

behavior ('684; fig. 5, Processes 61-78); and creating animation primitives for animating said model ('684; fig. 5, Processes 61-64), using a first tool for implementing said animation primitives ('684; fig. 5, Processes 61-64 running on a server computer) and a second tool for implementing said reactive model of system overall behavior ('684; processes 65-78), said second tool being detached from said first tool ('684; fig. 5, second tool in client computer encompassing processes 65-78 and first tool in a physically separate server computer encompassing processes 61-44) and in a runtime environment; ('684; Abstract) detecting events associated with said system ('684; fig. 14-15); selecting respectively animation primitives according to said model of overall system behavior and said events ('684; fig. 5, Processes 61-78); and combining together said respective animation primitives representing said detected events ('684; fig. 5, Processes 61-78); thereby to create an overall animation ('684; Abstract; fig. 5; col. 52, ln. 6 through col. 58, ln. 3).

8. In regard to claim 2 (Original), Mochizuki further teaches wherein said plurality of events comprises a plurality of temporal samples or a plurality of scenarios ('684; fig. 15a- 15d; col. 55, ln. 47 through col. 56, ln. 33).

9. Regarding claim 3 (Original), Mochizuki teaches the method according to claim 1 and further teaches wherein said plurality of events comprises a plurality of states ('684; fig. 13b; states A through H; col. 47, ln. 65 through col. 48, ln. 43).

10. In regard to claim 4 (Original), Mochizuki further teaches the method as further comprising: determining at least one transition between said plurality of states ('684; fig. 13b; states A through H); col. 47, ln. 65 through col. 48, ln. 43).

11. Regarding claim 5 (Original), Mochizuki further teaches wherein said at least one transition is determined according to at least one rule ('684; col. 47, ln. 23).

12. In regard to claim 6 (Currently Amended), Mochizuki teaches the method of claim 3 and further teaches wherein said creating said animation primitives further comprises creating animation primitives of said at least one transition ('684; fig. 13b; states A through H; col. 47, ln. 65 through col. 48, ln. 43).

13. Regarding claim 7 (Previously Presented), Mochizuki teaches the method of claim 3 and further teaches wherein said state represents an interaction between a plurality of objects ('684; col. 53, ln. 51 through col. 54, ln. 7).

14. In regard to claim 8 (Previously Presented), Mochizuki teaches the method of claim 3 and further teaches the method as further comprising: interacting between a plurality of objects ('684; col. 53, ln. 51 through col. 54, ln. 7); and altering a state of at least one object according to said interacting ('684; col. 53, ln. 51 through col. 54, ln. 7).

15. Regarding claim 9 (Previously Presented), Mochizuki teaches the method of claim 3 and further teaches the method as further comprising: receiving an external input; and altering a state of at least one object according to said external input ('684; col. 47, ln. 40-52).

16. In regard to claim 10 (Original), Mochizuki further teaches, wherein said external input is provided through a user interface ('684; col. 47, ln. 57-64).

17. In regard to claim 12 (Previously Presented), Mochizuki teaches the method of claim 3 and further teaches wherein said detecting said state is performed by a state engine ('684; fig. 5, process 70 and process 72; col. 6, ln. 33-66), and wherein said creating the animation is performed by an animation engine ('684; fig. 5, eighth through tenth stage; col. 52, ln. 17-63),

the method further comprising: receiving a command from said state engine ('684; fig. 5, output of process 68 as input to process 70 or process 72); parsing said command to determining said state of said object ('684; fig. 5, process 70 or process 72); and translating said command to a format for said animation engine for creating the animation ('684; fig. 5 process 71 or process 74 and process 75; col. 56, ln. 34 through col. 57, ln. 54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki et al. (U. S. Patent 5,867,175, already of record, hereafter '684) as applied to claims 1-10 and 12 above and in view of Perlin et al (U. S. Patent 6,285,380 B1, already of record, hereafter '380).

19. Regarding claim 11 (Original), Mochizuki teaches the method of claim 10 but does not explicitly teach wherein said user interface is for interacting with a computer game. Perlin,

working in the same field of endeavor, however, teaches wherein said user interface is for interacting with a computer game ('380; col. 18, Ln. 59 through col. 19, ln. 25; col. 20, ln. 10-17) for the benefit of embodying the reactive animation teachings within a product that can be sold and for which there is a very large market. It would have been obvious to one of ordinary skill in the art to have incorporated the game product teachings of Perlin with the system animation modeling and reactive animation teachings of Mochizuki for the benefit of embodying the reactive animation teachings within a product that can be sold and for which there is a very large market.

Response to Arguments

20. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Martello whose telephone number is (571) 270-1883. The examiner can normally be reached on M-F 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EM/
Examiner, Art Unit 2628

/XIAO M. WU/
Supervisory Patent Examiner, Art Unit 2628